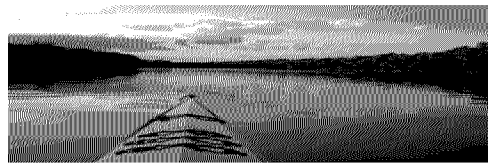


Water Law News for January 4, 2011
Mary Grady to: Steven Neugeboren
Bcc: Mindy Kairis

01/04/2011 09:43 AM

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WATER LAW NEWS JANUARY 4, 2011

BNA, Inc.

Daily Environment

REPORT

HIGHLIGHTS

Drilling

Interior Outlines Worst-Case Spill Reviews For Companies Waiting to Resume Drilling

Thirteen companies whose deepwater oil and gas drilling work was suspended in the wake of the April 20, 2010, blowout of BP Plc's Macondo well in the Gulf of Mexico may not have to go through additional environmental reviews if their worst-case...

Drinking Water

California Agency Proposes Stricter Goal For Hexavalent Chromium in Drinking Water

LOS ANGELES—California's Office of Environmental Health Hazard Assessment on Dec. 31 proposed a level of hexavalent chromium in drinking water of 0.02 part per billion as a health protection goal....

Oil Spills

Fifth Circuit Remands Mississippi Spill Ruling, Says Further Investigation Needed in Case

A federal appeals court has ruled that a lawsuit involving an oil spill resulting from the July 23, 2008, collision of the tanker M/V Tintomara with a fuel oil barge in the Mississippi River was dismissed prematurely and should be returned to...

Toxic Substances

Minnesota Sues 3M Over PFC Pollution, Asks Company to Pay for Damages to Water

ST. PAUL, Minn.—Minnesota has sued 3M Co., alleging that the Maplewood, Minn.-based manufacturer has polluted state waters with perfluorinated compounds over the past 50 years (Minnesota v. 3M Co., Minn. Dist. Ct., No. 27-CV-10-28862,...

Water Pollution

Michigan Supreme Court Says State Agency Can Be Defendant, Reverses Discharge Ruling

LANSING, Mich.—The Michigan Supreme Court reversed an appeals court ruling and held that Merit Energy Co.'s plan to discharge water into the AuSable River watershed would cause environmental harm, and that the state Department...

ANALYSIS & PERSPECTIVE

Oil Pollution Act: Legislative Changes, Amendments Set Agenda for New Congress

The recent Deepwater Horizon oil spill in the Gulf of Mexico sparked a flurry of congressional amendments and proposed amendments to the liability and financial responsibility provisions of the Oil Pollution Act of 1990 (OPA90), 33 U.S.C....



Inside EPA's Risk Policy Report, 1/4/11

<http://insideepa.com/Risk-Policy-Report/Risk-Policy-Report-01/04/2011/menu-id-130.html>



EPA Rules Top List Of Legal Challenges

Key EPA regulations dominate the list of "most critical" environmental law issues to watch in the new year, according to a new "watch list" released by the Vermont Law School. EPA policies topping the list . . .

EPA Names Rights Office Director

EPA has named long-time agency employee Rafael DeLeon as the new director of its Office of Civil Rights (OCR), making permanent the acting director role that DeLeon took on in June at an office that . . .

Upton Plans Early GHG Jobs Hearings

Incoming House Energy & Commerce Committee Chairman Fred Upton (R-MI) is vowing "early hearings" on the jobs' impact of EPA's new greenhouse gas (GHG) rules, and is suggesting that the Congressional Review Act (CRA) could be used to block the regulations. But Upton also appears to be hedging on whether he will push against all, or just some, of the climate rules.



NATURAL GAS: Pa. allows drilling waste to flow into waterways (01/03/2011)

Pennsylvania is the only state in the Marcellus Shale region that allows natural gas companies to dump partially treated wastewater into sources of drinking water.

Other states require natural gas drillers to inject waste polluted with metals thousands of feet into the ground. But in Pennsylvania in the year ending on June 30, drillers sent 3.6 million barrels of waste to treatment plants that empty into rivers, many of them drinking water sources.

State officials, energy companies and wastewater treatment plants say that this method of waste disposal is not harmful to the environment or to humans, and researchers are currently studying the effect on both. The research comes amid a spike in natural gas drilling in the region due to the discovery of the shale and the development of hydraulic fracturing and horizontal drilling.

But sometimes, Pennsylvania has lost track of where waste went because of flaws in its reporting system. Public utilities downstream from treatment plants have trouble remaining within the federal limits for certain carcinogens. Wastewater also ended up in the Delaware River Basin, a huge drinking water supply in four states.

More than 44,000 barrels of wastewater from Cabot Oil & Gas Corp. also ended up in a creek that is the source of drinking water for 17 municipalities. The company admitted that should not have occurred.

"This is an outrage," said Tracy Carluccio, deputy director of the Delaware Riverkeeper Network. "This is indicative of the lack of adequate oversight."

The 10 largest drilling companies in Pennsylvania, though, say they have stopped or are reducing river discharges on their own. It is unclear how much wastewater is still being released into rivers (David Caruso, [Associated Press](#), Jan. 3). -- AP

DRINKING WATER: Calif. proposes tighter limit for hexavalent chromium (01/03/2011)

Debra Kahn, E&E reporter

California regulators are proposing a tightening of what would be the first U.S. standard for hexavalent chromium in drinking water.

The **draft standard** of 0.02 parts per billion for the cancer-causing metal is more stringent than the original proposal, 0.06 ppb, from the state's Office of Environmental Health Hazard Assessment in 2009 ([Greenwire](#) , Aug. 21, 2009).

The move comes ahead of U.S. EPA's plans to update its standard, which limits a combination of chromium-6 and the chemical's nonhazardous trivalent form to 100 ppb but does not require separate screening for the highly toxic valence alone ([E&ENews PM](#) , Dec. 22, 2010).

California officials said they updated the draft standard in response to a peer review by University of California scientists.

"When finalized, the public health goal will give California a solid scientific basis for a health-protective drinking water standard for chromium 6," OEHHA Director Joan Denton said. "We expect the goal will be the first in the nation for this contaminant."

California EPA's Office of Environmental Health Hazard Assessment will make the proposal an official public health goal after a 30-day public comment period. The state Department of Public Health must then create an enforceable standard to replace the current standard of 50 ppb for chromiums 6 and 3 combined.

In 25 of 35 U.S. cities where tap water supplies were tested for hexavalent chromium, levels of the chemical exceeded the 0.06 ppb level, according to a report released last month by the Environmental Working Group ([Greenwire](#) , Dec. 20, 2010). Thirty-one cities would exceed the new level.

The chemical gained notoriety in California when residents of Hinkley sued utility Pacific Gas & Electric Co. for dumping hexavalent chromium from its natural gas compressor plant into waste ponds over a period of decades. The suit inspired the movie "Erin Brockovich."

However, a state cancer registry survey last month showed Hinkley residents did not have elevated rates of cancer ([Greenwire](#) , Dec. 13, 2010).

Click here to read the draft standard.

OFFSHORE DRILLING: Deepwater rigs still idle after moratorium's end (01/03/2011)

It may be 2012 before any oil companies receive approval for new deepwater wells in the Gulf of Mexico, according to experts.

The Obama administration explains the delay by the need to enforce new safety rules adopted after the Deepwater Horizon explosion in April. Environmental groups say it's a good idea for the administration to take its time, but big and small oil companies are losing

money every day that rigs sit idle in the Gulf. Experts had predicted a few permits to be approved before 2011, but companies have struggled to comply with new safety rules.

While some oil companies, including Chevron Corp., have announced new deepwater projects in the Gulf, experts say that other companies are starting to move their rigs out of the area.

"They're doing everything they can to keep the contracted rigs in the Gulf," said Erik Milito, a senior official at the American Petroleum Institute. "But they're idle, they're not able to do the work they intended to be out there doing, and that can only go on so long."

The U.S. Energy Information Administration last month judged that the moratorium put in place after the Deepwater incident and the delay in the return to drilling could cause domestic offshore oil production to decrease by 13 percent in 2011 from last year.

The Gulf economy has also been slowed by the delay, as 8,000 to 12,000 workers could have lost their jobs temporarily due to the drilling moratorium that was lifted on Oct. 12, according to estimates by the Obama administration released in September (Casselman/Gilbert, *Wall Street Journal*, Jan. 3). -- AP

CHESAPEAKE BAY: EPA details multistate restoration plan (01/03/2011)

U.S. EPA last week laid out a Chesapeake Bay restoration plan that takes into account individual agreements made with the states surrounding the bay.

The plan sets goals of reducing the flow of nitrogen, phosphorus and sediment into the bay by 20 to 25 percent by 2025. This "pollution diet" affects a 64,000-square-mile area that includes Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and Washington, D.C.

EPA Region 3 Administrator Shawn Garvin called the plan "historical" and "the largest water pollution strategy plan in the nation." The reductions in the bay's nutrient pollution, which can cause dead zones where fish cannot survive due to lack of oxygen, will come from curbing agricultural and suburban fertilizer runoff, improving wastewater plants and stormwater systems and heightening control of animal feeding operations.

"Bay restoration is within reach," Maryland Gov. Martin O'Malley (D) said in a statement. "This plan provides the road map to get us there."

EPA is still working with New York, Pennsylvania and West Virginia on their individual plans (*AP/Wall Street Journal*, Dec. 29). -- AP

ClimateWire -- Tue., January 4, 2011 -- [Read the full edition](#)

1. RISK: Finding the fingerprints of climate change in storm damage -- a very long detective story

Hurricanes could become more prevalent with climate change, but the economic pain they deliver might not be recognized as man-made for 260 years. That means smashed homes and ruined roads may not be attributable to greenhouse gases for centuries, according to new research that suggests climate policies like adaptation should be designed without financial evidence of climate-enhanced windstorms.

2. ENERGY EFFICIENCY: Experts take aim at the 'rebound effect'

3. WIND POWER: MidAmerican, Siemens pump more wind investment into Iowa

4. COAL: Big Ohio utility says its carbon capture project is still on track

5. NATIONS: Booming energy sector boosts Australia's greenhouse gas emissions

6. DISASTERS: Natural disasters in 2010 cause record losses

7. NATURAL GAS: South Texas may hold riches for 2011

8. OFFSHORE WIND: Developers sought for 3,000-mile swath off Mass.

9. CALIFORNIA: Air Resources Board chairwoman to be reappointed by new governor

10. BIOFUELS: World's 2nd large-scale green biofuel plant in the works

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